



MINUTES

BOARD OF EQUAL RIGHTS COMMISSIONERS

October 18th, 2017 at 2:30pm

Room 301-A, City Hall, 200 E. Wells Street Milwaukee, WI 53202

Present:

Commissioner Jeffery Roman, Chair
Commissioner Chez Ordonez, Vice-Chair
Commissioner Tony Snell
Commissioner Mayhoua Moua
Commissioner Sheila Ashley

Jessica Langill, Dept. of Administration
Ben Roovers, City Attorney's Office
Patricia Ruiz-Cantu, Dept. Of Administration
Rebecca Rabatin, ADA Coordinator
Maria Flores, UW EEOC Milwaukee Office
Megan Wanke, Metropolitan Milwaukee Fair Housing Council
Kori Schneider-Peragine, Metropolitan Milwaukee Fair Housing Council

The meeting was called to order at 2:37pm by Commissioner Ordonez without quorum.
Quorum met at 2:50pm.

1. Approval of Minutes from September, 20th Meeting

Held until quorum reached. Commissioner Snell moved to approve the September minutes, Commissioner Ashley seconded. Minutes approved unanimously.

2. US EEOC Milwaukee Office (Maria Flores)

Commissioner Ordonez welcomed Maria Flores and asked her to give the Commission an introduction on the US EEOC. Flores stated that she came to the Commission in 1991 and moved to management approximately 15 years ago. She currently handles all training.

Flores stated that the EEOC is the key Civil Rights Agency at the Federal level that enforces federal laws that inhibit employment discrimination. The EEOC was established as part of Title VII of the Civil Rights Act of 1964 and opened in 1965. The mission of the EEOC is to create equal opportunity to all who live in the US through education/outreach, taking complaints and

conducting investigations and filing lawsuits against employers. The EEOC has the authority to accept, investigate and litigate employment discrimination complaints and works to reach agreements with employers and complainants that are equal to the discrimination never happening. The EEOC's protected classes are: race, color, sex, religion, national origin, age (over 40), disability, pregnancy and genetic information. The EEOC's laws and regulations generally apply only to employers that have 15 or more employees. Complaints against employers with fewer than 15 employees would be referred to the state or city level. Flores pointed out that the EEOC also covers immigrant workers regardless of their immigration status. Flores stated most of their complaints deal with failure to hire, fire, promotion, demotion, wages and harassment.

Flores stated that there is not a fee to file a complaint and that an Attorney is not needed. In Wisconsin, charges must be brought to the EEOC within 300 days of when the discrimination took place. People can file a charge in their own name but can also file as a class in which they believe other members of their same protected class were also discriminated against. Third-party (unions, organizations, advocacy groups) complaints are also accepted. Commissioners with the EEOC can also file a charge of discrimination as a systemic claim. Remedies can include an employer hiring the complainant after a failure to hire, back-pay, training, punitive damages, etc.

Flores stated that the EEOC has a no-cost outreach and education program. This could include providing resources for an information table, sending a key-note to a conference, leading Know Your Rights events, forums, media appearances, etc. There are also fee-based trainings (seminars and workshops) and education for employers. The EEOC also provides technical assistance for employers who answer questions and provide resources about how employers should avoid discrimination in their workplaces.

Commissioner Ordonez stated that the ERC has recently revamped itself and explained some of the work the Commission did on the new Equal Rights Ordinance. He asked Flores if she works at all with counterparts on the local level. He asked if there are partnerships with other similar equal rights commissions. Flores stated that the EEOC has a lot of partnerships with government organizations on all levels. She stated that they also have Memorandums of Understanding (MOU) with Federal organizations. She also said that the EEOC's relationships with city entities generally includes information and data sharing as well as educational services. Commissioner Ordonez stated that there have been discussions about the ERC creating MOU's with the state to create a work sharing agreement in regards to discrimination complaints. Flores stated that a work sharing agreement could be discussed down the road with management.

Commissioner Snell brought up the uncertainty and mixed messages from the current Federal Administration and stated that the DOJ has recently stated that the Civil Rights Act will not cover transgender discrimination issues. He asked if that statement has affected the EEOC. Flores stated that to her knowledge the EEOC is continuing to accept employment discrimination complaints in regard to an individual's LGBT status. Commissioner Snell stated that gender identity and expression is included as a protected class in the ERC's new ordinance. He also asked if there was a way for Commissioners or staff to shadow EEOC investigators in case the ERC will need to take those complaints in the future. Flores stated that she could provide no-cost training as long as it is open to the public.

Commissioner Snell stated that he knows of transgender individuals (and others from other protected classes) who are hesitant to go to the EEOC because they do not feel that the government has their best interest in mind. He said that these individuals might feel more comfortable bringing their complaints to the ERC or a local community organization. Flores stated that an informal complaint or a third-party complaint can be filed with the EEOC and that if there is a solid working relationship between the EEOC and the ERC or other community orgs that the process can be streamlined and taken care of quickly.

Commissioner Ashley asked about upcoming trainings that the Commissioners and staff could attend and about the process of formalizing a relationship/agreement with the EEOC. Flores stated that she would let Jessica Langill know when no or low-cost training events were happening around Milwaukee that we could be a part of. Commissioner Ashley asked how the ERC can help people get around the intimidation that comes with making a complaint to the federal government. Flores stated that the EEOC has contractual relationships with city and state counterparts, which would need to be discussed with their State and Local Coordinator and Area Director. She also stated that the Milwaukee Office is somewhat small but that they would be willing to come directly to an individual or community organization to meet with a complainant.

Sharon asked if the EEOC has any type of data sharing agreement with other cities. She stated it would be helpful for the ERC to have access to Milwaukee's data regarding discrimination complaints. Flores stated the EEOC provides national statistics on the website. She also stated that more specific data can be requested through her. Flores stated that there is a data MOU with Chicago, Minneapolis, Davenport, etc.

Commissioner Ordonez asked if there is anything the ERC can do to help the EEOC or to start building a strong relationship. Flores stated that event sharing would be very helpful.

3. Metropolitan Milwaukee Fair Housing Council (Megan Wanke and Kori Schneider-Peragine)

Commissioner Ordonez introduced the representatives from the Milwaukee Fair Housing Council. He stated that the ERC is thankful to have the current relationship with the Fair Housing Council. Megan Wanke stated she wanted to give a description of the services and how the ERC can work with the Council in the future.

Wanke stated the Fair Housing Council is 40 years old, and the mission is to guarantee all people in Wisconsin equal access to housing by enforcement of Federal, State and Local housing laws as well as to create and create and maintain racially and economically housing patterns. The Council has an outreach and education program, they develop fair housing promotional materials (in multiple languages), provide technical assistance to anyone interested in fair housing information/laws. Information calls can be made anonymously. They also have a fair lending program. The Council has an Enforcement Program that takes complaints on any type of housing discrimination complaints. They assist any protected class that is codified by any Federal, State or Local law.

Wanke stated that the complaint process is confidential unless the complainant wants to pursue further measures outside of the Council. The complaints are taken over the phone and the enforcement staff reviews the case. They are also the only organization in the state of Wisconsin that conducts “testing” in the housing market. On a case-by-case basis they may also help complainants pursue their complaint through the courts. They also have attorneys that assist complainants when necessary. Wanke stated that most of the time complaints are settled within the organization through mediation.

Kori Schneider-Peragine stated that in her role she looks more at the systemic issues of fair housing. In her Inclusive Communities program, they work on exclusionary municipal policies. Her work focuses mostly on the suburbs. Schneider stated they also do a lot of grass-roots work, testifying at hearings, providing technical assistance to developers, and doing fair housing reviews for communities. They also work to keep Fair Housing Tax Credits in the city of Milwaukee as well as where the jobs are expanding to and work to address the segregation of the Housing Choice Voucher.

Commissioner Ordonez brought up data sharing and asked how the Fair Housing Council shares their data. Wanke stated that the Fair Housing Council does monthly reporting to the City of Milwaukee through the CDBG program. She stated the only details that are reported regarding protected classes would be race, ethnicity and income data. She stated that a narrative report is also provided. Commissioner Ordonez stated that the ERC will be requesting those numbers in the future. He also asked how long cases take to resolve. Wanke stated that sometimes cases close the same day but can go up to taking several years to complete. She stated the Equal Rights Division can sometimes be quicker, but resolutions still take about a year.

Commissioner Ordonez asked what the process would look like if an individual that is only protected by the ERC files a complaint with the Fair Housing Council. Wanke stated that they have not brought any complaints to the ERC in quite some time because state and federal remedies are usually much better and the ERC has not had enforcement abilities. She stated in the future if this situation arises that the Council would talk with the complainant about all of their options and then would assist them to filing a complaint with us if that is what they wanted.

Commissioner Snell asked what city MOU’s look like with the Fair Housing Council. Wanke stated that normally they provide the complaint intake services, technical assistance, presentations, city of Milwaukee landlord training and they report on fair lending outreach. Commissioner Snell stated that in the future the ERC would like to partner with the Council to educate the Milwaukee community. He also asked how the ERC can help and where we can be more effective.

Commissioner Ordonez asked how the ERC can potentially help the Fair Housing Council in the future. Wanke asked that the Commission use its voice in the community to educate people about their rights and the assistance the Council can offer. Schneider stated in the future the Commissioners may be able to advocate for affordable housing projects through their connections with Alders. Wanke also stated that their funding from the City of Milwaukee has been stagnant at \$100,144/year and asked for advocacy from the Commissioners in the future.

Commissioner Ashley asked if the Fair Housing Council is involved in the fight for fair transportation opportunities. Schneider stated that she is not as directly involved as she wishes she could, but resources limit her. She stated that they sometimes partner with other organizations (like ACLU) to address these issues. Commissioner Ashley also stated that if the Council would like the ERC to have a presence at any of their meetings that she should reach out to Jessica Langill and someone will come on behalf of the ERC.

4. Intergovernmental Relations (La Keisha Butler)

Held until November meeting due to La Keisha being unable to make it to this meeting.

5. Amicus Brief (Masterpiece Cakeshop v. Colorado Civil Rights Commission)

Jessica Langill stated the Mayor's Office reached out approximately a month ago about an Amicus Brief coming from the County of Santa Clara. Ben Roovers stated an Amicus Brief is a brief submitted by a party that is not directly related to the civic action, but has an invested interest for some reason. Langill stated that the amicus brief is related to the case pending before the Supreme Court regarding Masterpiece Cakeshop's refusal to bake a cake for a same-sex couple's wedding. She shared that they have put together a draft of the argument that they will be bringing to the Supreme Court. She stated that the Cakeshop has declared they are exempt from the Colorado Civil Rights law on the basis of a religious belief against same-sex marriage.

Langill stated that in order for the City of Milwaukee to sign on to the Amicus Brief it would have to be reviewed by the City Attorney's Office, the Mayor's Office and the ERC and then brought for approval to the Common Council. If the Mayor wants to sign on to the brief on his own, he can do that without approval from the Common Council. Langill stated that they only gave cities one week to sign on to the final draft.

Sharon Robinson stated that the ERC could sign on if they wanted to and then send a recommendation to the Mayor to sign on as well. Commissioner Ordonez stated that even though the Common Council would not be able to meet the deadline to sign on, that he would like to know where the Council stands on this issue. Robinson stated that the Common Council could potentially issue a resolution relating to the matter in the future. Commissioner Ashley suggested that the ERC wait on involving the Council in the matter until we find out if the case goes to the Supreme Court. Commissioner Ordonez asked Ben Roovers what a situation like this would look like in the City of Milwaukee. Roovers stated that it would be a public accommodations issue and that since sexual orientation is not a protected class under public accommodations at the State level that the complaint would be brought to the ERC. He stated it could also turn out to be Constitutional issue.

Commissioner Snell moved that the ERC sign on to the amicus brief and recommend that the Mayor does as well. Commissioner Moua seconded the motion. Roovers stated that he could not advise about the issue until he is able to read through it. Commissioner Snell moved that they table the decision until Ben Roovers had the time to look it over and make a recommendation.

After review, Ben Roovers stated the brief was pretty standard and he did not see anything that he had an issue with. Commissioner Snell moved that the ERC sign on to the Amicus Brief and that we relay the decision to the Mayor's Office. No objections.

6. Operating Procedure Plan

Commissioner Ordonez stated that it was necessary for the ERC to start strategic planning now that the new Ordinance has been passed. Commissioner Ordonez suggested that the ERC look at Minneapolis' model and mirror the operating procedure after theirs. He stated that a sub-committee would need to be put together to work on an operating procedure. Jessica Langill stated that she can start by going through the Minneapolis plan to find what would work for Milwaukee and then would bring it to the sub-committee for review/changes.

Commissioner Roman stated that a temporary strategic plan sub-committee should be created and that this committee could work on the operating procedure, strategic plan and appointment of new Commissioners. He stated that any interested Commissioners should reach out to him and let him know if they are interested. Commissioner Roman appointed Commissioner Ordonez to chair the sub-committee. Commissioner Ashley stated she would be happy to be part of the sub-committee as long as there could be some conference calls meetings.

7. Upcoming Listening Sessions

Tabled

8. IAOHRA Update

Commissioner Ordonez asked Jessica Langill to touch on the Seattle Equal Rights Summit that she attended. Langill stated that International Association of Official Human Rights Agencies put on the Summit. She stated that the org has been around for a long time and that they work with many community organizations. She stated that the focus of the summit was on issues Native American/Indigenous People face. Langill said that attendees were challenged to start including Indigenous People in their fights for equality. Langill reminded that the ERC is still in need of an Indigenous Commissioner. She also stated that she was able to make several connections with similar organizations and found out about potential trainings and training funding that can be used in 2018. Langill recommended that the ERC join IAOHRA next year to stay connected to other equal rights agencies and to be up to date on the issues going on around the country. She stated that once she is able to go through all of the resources and material she would send out a more detailed report.

Commissioner Ordonez asked if there was a report on the work currently being done in other cities. Langill stated she is waiting to receive it from the summit organizers but that they did discuss one on the last day of the summit. Commissioner Ordonez stated that this type of report would be helpful for when the ERC requests additional funding in the future to show what other cities are working on. Commissioner Roman suggested that the ERC also become a member of GARE.

9. Community Dialogue & Upcoming Events

Jessica Langill stated that the Human Rights Campaign had sent her Milwaukee's final score. She stated that Milwaukee gained 18 points from 2016 and now has a score of 90. Commissioner Snell stated that Milwaukee technically has a 95 but that since the ordinance was not passed in time it could not be counted this year. She stated that in 2018 the ERC should focus on City of Milwaukee transgender-inclusive healthcare benefits to earn the remainder of the points. Commissioner Snell stated that in discussions with the Council President and other Alders that there could be interest in advancing this issue in 2018.

Langill stated that the HRC would be releasing final scores at 9am the next day, so the ERC cannot issue a statement on the new score until after the HRC does. Langill said that she had reached out to the Mayor's Office to see if they would like to issue a statement and that the ERC should have a statement ready to go for tomorrow. Commissioner Snell recommended that a joint release go out on Monday with the community partners that have helped increase the score. Commissioner Ordonez agreed that community partners should be recognized. Commissioner Ordonez stated he would draft the press release and Langill said she would reach out to community partners.

Commissioner Ashley stated that she will try to get someone from HUD to come to the next meeting. Langill stated that Intergovernmental Relations would also be at the next meeting.

Commissioner Roman stated there will be a discussion about a call for officers for 2018 at the next ERC meeting.

10. Next Meeting Date: November 15, 2017 at 2:30pm

11. Adjourn

Meeting adjourned at 4:58 p.m.

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